

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

IN RE: NATIONAL FOOTBALL
LEAGUE PLAYERS' CONCUSSION
INJURY LITIGATION

NO. 2:12-MD-02323-AB

MDL NO. 2323

Hon. Anita B. Brody

Kevin Turner and Shawn Wooden,
*on behalf of themselves and
others similarly situated,*

Civ. Action No. 14-00029-AB

Plaintiffs,

v.

National Football League and
NFL Properties LLC,
successor-in-interest to
NFL Properties, Inc.,

Defendants.

THIS DOCUMENT RELATES TO:
ALL ACTIONS

**MOTION TO JOIN CO-LEAD COUNSEL ANAPOL WEISS REQUEST FOR A HEARING
TO SEEK COURT INTERVENTION ON THE PROCESSING OF CERTAIN CLAIMS**

1. The undersigned Mitnick Law Office respectfully requests to join the Motion of Co-Lead counsel, Anapol Weiss, for a hearing to seek Court intervention on the processing of

certain claims arising from the NFL Concussion Settlement filed under document No. 9784.

2. Mitnick Law office personally represents over 240 retired players and is co-counsel with Lock's Law Firm for an additional 1000 plus players. From my own personal experience, Co-Lead counsel's submission truly and accurately details the delays and denials that former NFL players have experienced with the claims that have been either denied by the AAP or delayed by appeal or audit.
3. As specified in Co-Lead counsel's application to the Court, claims involving level 1.5 and level 2.0 dementia, as well as claims for retired players who have been diagnosed with Alzheimer's disease have been unreasonably and inexcusably delayed from the onset of the claims administration process. The facts as set forth in Co-Lead counsel's submission to the Court are almost an identical set of facts experienced by this office with regard to numerous claims that have been submitted to the Claims Administrator, yet have either been denied or delayed by appeal or audit.
4. The most recent example concerns a unnamed retired NFL player who is 67 years old and has been diagnosed with Alzheimer's disease since turning 63 years old. Even though this player's condition and "story" were utilized in *a-day-in-the-life-of* video that was submitted to the Court by Co-Lead counsel in consideration for final settlement, his claim after being reviewed by the AAP was denied because the AAP did not find that his qualifying diagnosis was made by an appropriate physician. Under the terms of the Settlement Agreement, his claim was resubmitted by another one of his treating and diagnosing physicians. Subsequent to this re-submitted claim to the Claims Administrator, he received a notice of audit delaying the matter once again. The matter

has been ongoing since his initial claim was first submitted in April of 2017. To date no award or payment has been made. The frustration and disappointment that this player and his family have experienced is inexcusable. The player remains in an Alzheimer's facility given the severity of his condition. Another example of an egregious situation in a 61 year old retired player who received a monetary award for Alzheimer's disease at the age of 58 and whose claim was then appealed by the NFL Parties who question the "causation" of his condition when causation is not relevant for any claim and is outside the terms of the settlement Agreement. These are just a couple examples of the deception, denials and delays that are taking place and affecting claimants across the country.

5. The arguments as set forth in co-lead counsel Anapol Weiss' submission for Court intervention appear to be the same set of circumstances to players represented by Mitnick Law Office. Mitnick Law Office respectfully requests to be joined in the Motion to intervene filed by Co-lead counsel.

WHEREFORE, the undersigned counsel on behalf of Plaintiffs represented by Mitnick Law office seek to join in the application for a public hearing before this Court to enforce the settlement and compensation plan in a manner that the Court determines is in the best interest of the class absent the encumbrances faced by the players to date.

DATED: March 20, 2018

Respectfully submitted

/s/ Craig R. Mitnick

MITNICK LAW OFFICE

Craig R. Mitnick

Attorney for Plaintiffs